

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SIMON NEWMAN,

Plaintiff

v.

//

CIVIL ACTION NO. 1:07CV121  
(Judge Keeley)

UNITED STATES OF AMERICA

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On September 13, 2007, the pro se plaintiff, Simon Newman ("Newman"), filed a complaint pursuant to the Federal Tort Claims Act which this Court referred to United States Magistrate Judge James E. Seibert for initial screening and a Report and Recommendation ("R&R") in accordance with Local Rule of Prisoner Litigation 83.09. On June 25, 2008, Magistrate Judge Seibert issued an R&R recommending that this Court grant the defendant's motion to dismiss and dismiss the case with prejudice. The R&R also specifically warned that failure to object to it would result in the waiver of any appellate rights on this issue. Nevertheless, Newman failed to file any objections.<sup>1</sup>

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 31), **GRANTS** the defendants' motion to

---

<sup>1</sup> Newman's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

**ORDER ADOPTING REPORT AND RECOMMENDATION**

---

dismiss (dkt. no. 23), and **DISMISSES** this case **WITH PREJUDICE**. The Clerk is ordered to **STRIKE** this case from the Court's docket.

The Clerk is directed to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested, and to transmit copies of this Order to counsel of record.

Dated: June 22, 2008.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE